

ESTTA Tracking number: **ESTTA693929**

Filing date: **09/04/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Salt Life, LLC		
Entity	Limited Liability Company	Citizenship	Georgia
Address	322 South Main Street Greenville, SC 29601 UNITED STATES		

Attorney information	J. Parks Workman Dority & Manning, P.A. P.O. Box 1449 Greenville, SC 29602-1449 UNITED STATES docketing@dority-manning.com, pworkman@dority-manning.com, dhaars@dority-manning.com Phone:8642711592
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### Applicant Information

Application No	86592650	Publication date	09/01/2015
Opposition Filing Date	09/04/2015	Opposition Period Ends	10/01/2015
Applicant	Giovannetti, Vincent 12706 Pawnee Rd Apple Valley, CA 92308 UNITED STATES		

### Goods/Services Affected by Opposition


Class 025. First Use: 2014/06/22 First Use In Commerce: 2014/12/31 All goods and services in the class are opposed, namely: Board shorts; Hats; Sweaters; T-shirts; Tank tops
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3762960	Application Date	08/06/2009
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	SALT LIFE		


Design Mark	
Description of Mark	The mark consists of the words "SALT LIFE".
Goods/Services	Class 016. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Stickers Class 025. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Caps; Shirts; Surf wear

U.S. Registration No.	4324994	Application Date	06/07/2011
Registration Date	04/23/2013	Foreign Priority Date	NONE
Word Mark	SALT LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2013/02/13 First Use In Commerce: 2013/02/13 Clothing and apparel, namely, jackets, pants, shoes, and sandals		

U.S. Registration No.	2959429	Application Date	09/04/2003
Registration Date	06/07/2005	Foreign Priority Date	NONE
Word Mark	SALT LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/10/02 First Use In Commerce: 2003/10/02 Clothing and apparel, namely, caps, shirts, T-shirts, [ underwear, socks, pants, sweaters, jackets, shoes, sandals, ] bathing suits, Bermuda shorts, walking shorts, [ wet suits, ] swim trunks, caps with visors, visors, fleece pullovers, sweat shirts, surf wear, [ briefs, boxer briefs, panties, wind resistant jackets ]		

U.S. Registration No.	4627064	Application Date	03/22/2013
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Registration Date	10/28/2014	Foreign Priority Date	NONE
Word Mark	SALT LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/10/02 First Use In Commerce: 2003/10/02 Clothing, namely, hats, caps, shirts, T-shirts, shorts, swim trunks, visors, fleece pullovers, sweat shirts, surf wear,jackets, pants, bandanas, sun sleeves, dresses and footwear		

U.S. Registration No.	4562190	Application Date	10/09/2012
Registration Date	07/08/2014	Foreign Priority Date	NONE
Word Mark	SALT LIFE		
Design Mark			
Description of Mark	The mark consists of the words "Salt Life" in stylized form with crossed fishing poles between the "Salt" and "Life" and with a skull positioned above the crossed fishing poles.		
Goods/Services	Class 025. First use: First Use: 2007/01/05 First Use In Commerce: 2007/01/05 Clothing, namely, shirts, sweat shirts and caps		

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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/J. Parks Workman/
Name	J. Parks Workman
Date	09/04/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application **Serial No. 86/592,650**

Salt Life, LLC	)	
	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	Serial No. 86/592,650
	)	
Vincent Giovannetti	)	Mark: SALT PRO
	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Salt Life, LLC (“Opposer”), a limited liability company organized under the laws of Georgia having a place of business at 322 South Main Street, Greenville, SC, 29601, will be damaged by registration of U.S. Application Serial No. 86/592,650 for the mark SALT PRO for “Board shorts; Hats; Sweaters; T-shirts; Tank tops” in International Class 025, filed by Vincent Giovannetti (“Applicant”) on April 9, 2015, and hereby opposes registration of the same pursuant to § 13 of the Lanham Act (15 U.S.C. § 1063).

As grounds in support of its Notice of Opposition, Opposer asserts as follows:


1. Upon information and belief, Vincent Giovannetti is the owner of U.S. Trademark Application Serial No. 86/592,650 (“the ‘650 application”), filed on April 9, 2015, for the mark SALT PRO for “Board shorts; Hats; Sweaters; T-shirts; Tank tops” in International Class 025.


2. Upon information and belief, the ‘650 application was filed on a use in commerce basis.

3. The ‘650 application was published for opposition on September 1, 2015 in the *Official Gazette* of the United States Patent and Trademark Office.

4. Since long prior to the April 9, 2015 filing date of the ‘650 application, the alleged first use date of June 22, 2014 set forth in the ‘650 application, and the alleged first use in commerce date of December 31, 2014 set forth in the ‘650 application, Opposer and/or its predecessors in interest have used, advertised, and promoted the mark SALT LIFE in connection with various products related to the field of clothing and apparel and in connection with other products and services.

5. Opposer owns extensive common law rights to its SALT LIFE marks. Opposer also owns United States trademark registrations for its SALT LIFE marks, including at least the following United States trademark registrations.

Trademark	U.S. Trademark Registration No.	Date of First Use in Commerce	International Class & Goods/Services
	3,762,960	October 2003	Class 16: Stickers Class 25: Caps, shirts, surf wear.
SALT LIFE	4,324,994	February 2013	Class 25: Clothing and Apparel, namely jackets, pants, shoes, and sandals.
SALT LIFE	2,959,429	October 2003	Class 25: Clothing and apparel, namely, caps,

			shirts, T-shirts, bathing suits, Bermuda shorts, walking shorts, swim trunks, caps with visors, visors, fleece pullovers, sweat shirts, surf wear.
SALT LIFE	4,627,064	October 2003	Class 25: Clothing, namely, hats, caps, shirts, T-shirts, shorts, swim trunks, visors, fleece pullovers, sweat shirts, surf wear, jackets, pants, bandanas, sun sleeves, dresses and footwear.
	4,562,190	January 2007	Class 25: Clothing, namely, shirts, sweat shirts and caps.

6. As a result of the use, advertising, and promotion by Opposer and/or its predecessors in interest of the SALT LIFE marks, Opposer's SALT LIFE marks have acquired significant goodwill and have become famous prior to the filing date of the '650 application.

7. The goods identified under International Class 025 in the '650 application are identical to or closely related to the goods with which Opposer uses its SALT LIFE marks.

8. Registration and use of the SALT PRO mark sought to be registered by Applicants in the '650 application is likely to cause confusion or mistake in the minds of consumers and lead consumers to believe Applicants' goods and services as designated are goods and services of Opposer, or in some way backed by, sponsored by, franchised by, approved by, associated with, or otherwise connected with the good name and reputation of Opposer, to the damage and injury of the public, and to the damage and injury of Opposer and its goodwill in its SALT LIFE marks. Registration of the '650 application is thus precluded under Section 2(d) of Lanham Act (15 U.S.C. § 1052(d)).

9. Registration and use of the SALT PRO mark sought to be registered by Applicants in the '650 application will cause dilution of the distinctive qualities of Opposer's SALT LIFE marks. Such dilution will likely cause damage and injury to Opposer and its goodwill in its SALT LIFE marks. Registration of the '650 application is thus precluded under Section 13 and Section 43(c) of the Lanham Act (15 U.S.C. §§ 1063; 1125(c)).

WHEREFORE, Opposer prays that the present Notice of Opposition be granted and that registration of the '650 application be denied.

[SIGNATURE ON FOLLOWING PAGE]



Respectfully submitted,

Date: September 4, 2015

DORITY & MANNING, P.A.

/s/ J. Parks Workman

J. Parks Workman

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DORITY & MANNING, P.A.

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Phone: 864-271-1592

Fax: 864-335-0127

Attorney for Opposer

Salt Life, LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2015, I served a true and complete copy of the foregoing

**NOTICE OF OPPOSITION** on Applicant via First Class Mail, postage prepaid as follows:

Vincent Giovannetti  
12706 Pawnee Rd  
Apple Valley, California 92308-7240

/s/ J. Parks Workman  
J. Parks Workman